

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SEAN GORECKI,	)	Case No. 1:17-cv-03036
	)	
Plaintiff,	)	Honorable Manish S. Shah
	)	
vs.	)	
	)	
MCDONALD'S CORPORATION,	)	
	)	
Defendant.	)	
	)	
	)	

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**JOINT INITIAL STATUS REPORT**

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The parties to this action (the "Parties") submit this joint initial status report pursuant to the entry of the Court (D.E. 15).

(1) Nature of the Case

a. Attorneys of Record:

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- b. Jurisdiction is conferred by 28 U.S.C. §1331 as this action arises under the Title III of the ADA, 42 U.S.C. § 12181, *et seq.*, and 28 U.S.C. § 1332. The Court has supplemental jurisdiction to hear any and all state law claims pursuant to 28 U.S.C. §1367 because Plaintiff's UCRA claims are so related to Plaintiff's federal ADA claims, they form part of the same case or controversy under Article III of the United States Constitution.

c. Plaintiff Sean Gorecki (“Plaintiff”) alleged the following four (4) claims against McDonald’s Corporation (“Defendant”) seeking actual damages, statutory damages, costs, and attorneys’ fees:

- i. Two (2) counts for Violations of the Americans with Disabilities Act (“ADA”);
- ii. Two (2) counts for violations of the UCRA, California Civil Code § 51 *et seq.*

(2) Mandatory Initial Discovery (Pilot Program).

Plaintiff is unclear about whether or not Court’s New Mandatory Initial Discovery Standing Order applies as this case was filed before June 1, 2017, however, the parties have agreed that the Plaintiff’s initial Discovery Responses pursuant to the Standing Order shall be provided to Defendant on or before July 3, 2017 and that Defendants Initial Discovery Responses pursuant to the Standing Order shall be provided to the Plaintiff on or before July 31, 2017.

(3) Pending Motions and Case Plan

a. Pending Motions

- i. To facilitate ongoing settlement discussions and factual investigation, McDonald’s will be filing an unopposed motion for an order extending Defendant’s Answer Date to June 26, 2017.

b. The Parties hereby propose the following case plan:

- i. Rule 26(a) Disclosures to be exchanged by the parties on or before July 3, 2017;
- ii. First round of written discovery to be exchanged by the parties by September 1, 2017;
- iii. Expert Discovery relative to Liability – Experts to be disclosed and any reports to be exchanged by November 15, 2017;

- iv. Liability Discovery deadline to be January 8, 2018;
- v. Proposed Status Hearing to set additional deadlines: January 2018;
- vi. Expert Discovery as to damages deadline:
  - 1. Plaintiff's deadline: March 1, 2018
  - 2. Defendant's deadline: April 1, 2018

c. Jury Trial

Plaintiff has requested a jury trial in this matter.

The Parties anticipate the probable length of the trial to be 5 days.

(4) Consent to Proceed Before a Magistrate Judge

- a. All parties did not consent to proceed before a Magistrate Judge.

(5) Status of Settlement Discussions

- a. Counsel for Plaintiff and Defendant have discussed a framework for settlement. Due to scheduling and vacation issues, the individuals responsible for the McDonald's website have been unavailable. As soon as those individuals become available further settlement negotiations can take place.
- b. The Parties request a settlement conference before the Magistrate Judge assigned to the case preferably either the first week of August or the third week of August, 2017.

Respectfully submitted,

/s/ Rusty A. Payton

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